

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DONALD WILLIAMS, :
Plaintiff, :
: **ORDER**
- against - : 23-CV-7729 (AMD) (LB)
NEW YORK STATE DIVISION OF HUMAN :
RIGHTS and KONE ELEVATORS, INC., :
Defendants. :
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ANN M. DONNELLY, United States District Judge:

On October 3, 2023, the *pro se* plaintiff brought this action against the New York State Division of Human Rights and Kone Elevators, Inc. (ECF No. 1.) The plaintiff did not pay the filing fee to commence the action or apply to proceed *in forma pauperis* (“IFP”). On October 17, 2023, the Clerk of Court sent the plaintiff a letter directing him to cure this deficiency within 14 days and enclosed a copy of the IFP form. (ECF No. 2.) To date, the plaintiff has not paid the filing fee or applied to proceed IFP.

Under 28 U.S.C. § 1914, the filing fee to commence a civil action is \$350 plus an administrative fee of \$52, for a total of \$402. Under 28 U.S.C. § 1915, the Court may waive the filing fee for an indigent plaintiff. A plaintiff seeking to proceed IFP must submit an affidavit stating that “the person is unable to pay” filing fees “or give security therefor” and must also include “a statement of all assets” the person possesses. *Id.* § 1915(a)(1). A litigant qualifies to proceed IFP if he “cannot because of his poverty pay or give security for” the costs of filing “and still be able to provide himself and dependents with the necessities of life.” *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948). A court may dismiss a case that has been filed IFP if the court determines that the plaintiff’s “allegation of poverty is untrue.” 28 U.S.C.

§ 1915(e)(2)(A). A plaintiff's eligibility for IFP status is within the discretion of the district court. *Chowdhury v. Sadovnik*, No. 17-CV-2613, 2017 WL 4083157, at *1 (E.D.N.Y. Sept. 14, 2017) (collecting cases).

In light of the plaintiff's *pro se* status, the Court extends the time to comply with the notice of deficient filing. To proceed with this action, the plaintiff must return a completed IFP application¹ or pay the \$402 filing fee (made payable to the Clerk of Court of the Eastern District of New York) within 30 days from the date of this order. No further extension will be granted without good cause shown. If the plaintiff does not comply with this order within the time allowed, this action will be dismissed without prejudice. The defendants are not required to submit a response at this time.

The Clerk of Court is respectfully requested to resend the IFP application to the plaintiff along with this order and to note the mailing on the docket.

The plaintiff may contact the City Bar Justice Center's Federal Pro Se Legal Assistance Project at (212) 382-4729 for free, limited-scope legal assistance.

SO ORDERED.

s/Ann M. Donnelly

ANN M. DONNELLY
United States District Judge

Dated: Brooklyn, New York
November 14, 2023

¹ A fillable IFP form is also available at <https://www.uscourts.gov/forms/fee-waiver-application-forms/application-proceed-district-court-without-prepaying-fees-or>. The plaintiff must submit a separate IFP application for each civil action he files.